IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.99 OF 2004
IN
SUMMARY SUIT NO.1248 OF 2003

Hirakhan Trading Pvt.Ltd. ....Plaintiffs
V/s.
Chittaranjan D. Shah & Ors. ....Defendants

Mr.B.S. Chandnani for the Plaintiffs.
Mr.N.R. Pradhan i/b G.C. Mohanty for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 19TH JANUARY, 2005.

P.C. :

1. The suit is filed on the basis of two bills of exchange both drawn by Defendant No.1 and accepted by Defendant No.2. The bills of exchange are for the sum of Rs.50,000/- each and they are silent as to interest. There is no reply to the Plaintiffs' advocate notice demanding payment.

2. The copy of the affidavit in reply is filed today. The Plaintiffs are permitted to proceed on denial. The defence is that no consideration is received by the Plaintiffs and that upon receipt of the advocate's notice, the Defendants met the Plaintiffs and informed them of the same. It is

submitted that the Plaintiffs thereupon agreed that the bill of exchange would not be enforceable. The defence is wholly false.

3. However, Defendant No.2 is described in the title as an Association of persons. The other members of the alleged association of persons are not joined as party Defendants.

4. Defendant No.2 is granted unconditional leave to defend the suit. The suit is transferred as against Defendant No.2 to the list of commercial causes. Defendant No.2 to file their written statement within six weeks from today. Discovery of inspection to be completed within four weeks thereafter.

5. Summons for Judgment stands disposed of accordingly as against Defendant No.2.

6. In the circumstances, the Summons for Judgment is made absolute with costs as against Defendant No.1. However, the interest after the date of the suit shall be at the rate of 12% p.a.

. Parties to act on an ordinary copy of this

order duly authenticated by the Associate/Court Stenographer of this Court.